

# Notice of Allowability

Application No.

10/630,679

Examiner

Elizabeth A. Rielley

Applicant(s)

NAKATA, KOHEI

Art Unit

2879

pm

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the election restriction filed on 7/12/05.
2. ☒ The allowed claim(s) is/are 1-5 and 11-17.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**TH'S THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/4/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/22/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Diana on 8/8/05.

The application has been amended as follows:

**Claims 6-10 and 18-23 are canceled.**

**In claim 1 lines 9-10, replace recitation "end portions of the low-viscosity glass material" with --end portions with a low-viscosity glass material--.**

**In claim 17, page 54 line 7, replace recitation "A spacer" with --A producing method--.**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: "Prior Art" labels for figures 8 and 9. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

*Election/Restrictions*

Claims 6-10 and 18-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/12/05.

*Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Allowable Subject Matter*

Claims 1-5 and 11-17 are allowed.

The following is an examiner's statement of reasons for allowance:

In regard to claims 1 and 11, Yamazaki et al (US 6494757) teaches a method for producing a spacer by drawing a base glass material (161 figure 3; column 6 line 45- column 7 line 41), having a cross sectional shape with different dimensions in vertical and lateral directions (see figure 2), under heating to a drawing temperature (502), and then by cutting into a desired length (column 6 line 45 – column 7 line 41).

The Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 1 and 11, and specifically comprising the limitation wherein the glass base material in a

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longitudinal direction of a cross section of the base glass material, a high-viscosity glass material is combined in at least both end portions of the low-viscosity glass material to obtain an entire cross-sectional shape having different dimensions in vertical and lateral directions, and said base glass material is drawn under heating at a drawing temperature at which both the low-viscosity glass material and the high-viscosity glass material have a viscosity within a range of  $10^5$  to  $10^{10}$  dPa•s and the high-viscosity glass material has a viscosity higher than that of the low-viscosity glass material, wherein the irregularities are on a surface of the base glass material comprising of a cross sectional shape with different dimensions in vertical and lateral direction, and having plural grooves on an external surface along a longitudinal direction of the cross section.

Claims 2-5 and 12-17 are allowable for the reasons given in claims 1 and 11 due to their dependency on claims 1 and 11, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

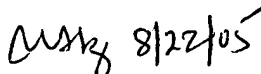
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

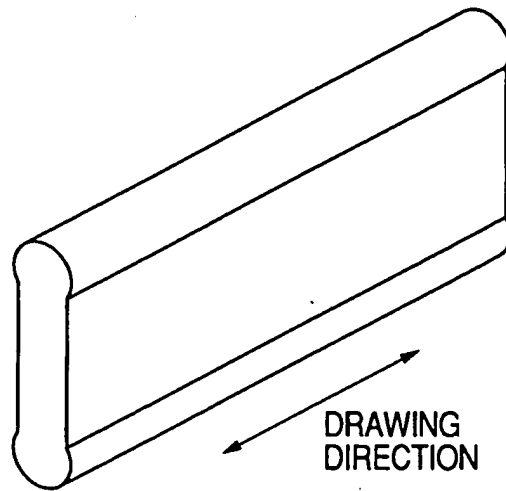
  
Elizabeth Rielley

Examiner  
Art Unit 2879

  
MARICELI SANTIAGO  
PRIMARY EXAMINER

**FIG. 8**

Prior Art



**FIG. 9**

Prior Art

